

**BEFORE THE
PHYSICIAN ASSISTANT BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**KEVIN YIM, PA-C
P.O. Box 362
Chino Hills, CA 91711
Physician Assistant No. PA 17695**

Respondent.

Case No. 1E-2010-209152

OAH No. 2013020063

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Physician Assistant Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 27, 2014.

It is so ORDERED February 20, 2014.



FOR THE PHYSICIAN ASSISTANT BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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Attorney General of California
2 ROBERT MCKIM BELL
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8 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **KEVIN YIM, PA-C**
13 **P.O. Box 362**
Chino Hills, CA 91711
14 **Physician Assistant No. PA 17695**

15 Respondent.

Case No. 1E-2010-209152

OAH No. 2013020063

16
17 **STIPULATED SURRENDER OF**
18 **LICENSE AND ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Glenn L. Mitchell, Jr. (Complainant) is the Executive Officer of the Physician
23 Assistant Board. He brought this action solely in his official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, by Cindy M. Lopez,
25 Deputy Attorney General.

26 2. Kevin Yim, PA-C (Respondent) is represented in this proceeding by attorney Peter R.
27 Osinoff, Esq., whose address is 3699 Wilshire Blvd., Tenth Floor, Los Angeles, CA 90010-2719.

28 3. On or about November 8, 2004, the Physician Assistant Board issued Physician
Assistant License No. PA 17695 to KEVIN YIM, PA-C (Respondent). His license will expire
May 31, 2014, unless renewed.

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4. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and causes for discipline I and II as alleged in Amended Accusation No. 1E-2010-209152 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, causes for discipline I and II as alleged in Amended Accusation No. 1E-2010-209152 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Peter R. Osinoff, Esq. I understand the stipulation and the effect it will have on my Physician Assistant License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physician Assistant Board of California.

DATED: 12-15-13

KEVIN YIM, PA-C
Respondent

I have read and fully discussed with Respondent KEVIN YIM, PA-C, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 12/23/13

PETER R. OSINOFF, ESQ.
Attorney for Respondent

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Dated: 2.12.19

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

Cindy M. Day

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EXHIBITA

Amended Accusation No. 1E-2010-209152

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Attorneys for Complainant

BEFORE THE
PHYSICIAN ASSISTANT BOARD
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation
Against:

Case No. 1E-2010-209152

KEVIN YIM, PA-C

FIRST AMENDED ACCUSATION

Post Office Box 362
Chino Hills, California 91709

Physician Assistant License No. PA 17695,
Respondent.

Complainant alleges:

PARTIES

1. Glenn L. Mitchell, Jr. (Complainant) brings this First Amended Accusation solely in his official capacity as the Executive Officer of the California Physician Assistant Board ("the Board").
2. On or about November 8, 2004, the Committee issued Physician Assistant License number PA 17695 to Kevin Yim, PA-C ("Respondent"). That license was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless

1 renewed. Pursuant to an Interim Suspension Order, Respondent's license was restricted to only
2 treating male patients beginning November 28, 2012.

3 JURISDICTION

4 3. This First Amended Accusation is brought before the Board under the authority of the
5 following provisions of the California Business and Professions Code ("Code") unless otherwise
6 indicated.

7 4. Section 3527 of the Code provides that the Board may order the denial of an
8 application for, or the issuance subject to terms and conditions of, or the suspension or revocation
9 of, or the imposition of probationary conditions upon a physician's assistant certificate for
10 unprofessional conduct, including a violation of the Medical Practice Act.

11 5. Section 726 of the Code provide provides in pertinent part that "The commission of
12 any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes
13 unprofessional conduct and grounds for disciplinary action for any person licensed under this
14 division, under any initiative act referred to in this division and under Chapter 17 (commencing
15 with Section 9000) of Division 3."

16 6. Section 2234 of the Code provides in pertinent part that the board shall take action
17 against any licensee who is charged with unprofessional conduct pursuant to Code section 2234,
18 subdivision (b), gross negligence.

19 7. Section 2232 states in pertinent part: "(a) Except as provided in subdivisions (b), (c) ,
20 and (d), the board shall promptly revoke the license of any person who, at any time after January
21 1, 1947, has been required to register as a sex offender pursuant to the provisions of Section 290
22 of the Penal Code."

23 8. Title 16, California Code of Regulation section 1399.523.5 provides in pertinent part
24 that if an individual is required to register as a sex offender pursuant to Penal Code section 290,
25 the board shall promptly revoke the license.

1 CAUSES FOR DISCIPLINE

2 I

3 CAUSE FOR MANDATORY REVOCATION OF LICENSE

4 (Registration as a Sex Offender)

5 9. Respondent's Physician Assistant License, No. PA 17695 is subject to mandatory
6 revocation under code section 3527, 2232, and Title 16, California Code of Regulations Section,
7 1399.523.5 in that he has been required to register as a sex offender pursuant to the provisions of
8 section 290 of the Penal Code. The circumstances are as follows:

9 A. On July 31, 2013, in the case of *The People of the State of California v. Kevin*
10 *Yim*, Los Angeles County Superior Court case number KA099397, Respondent was ordered, as
11 part of his sentence, to register as a sex offender pursuant to the provisions of Penal Code section
12 290.

13 B. As a result of his being ordered to register as a sex offender, Respondent's Physician
14 Assistant License No. PA 17695 is subject to mandatory revocation pursuant to the provisions of
15 Business and Professions Code Section 2232.

16 II

17 (Conviction of a Crime)

18 10. Respondent is subject to disciplinary action under code sections 3527, 2236, and
19 Title 16, California Code of Regulations section 1399.523.5 for conviction of a crime. The
20 circumstances are as follows:

21 A. On September 14, 2012, in the case of *The People of the State of California v. Kevin*
22 *Yim*, Los Angeles County Superior Court case number KA099397, Respondent was charged with
23 four counts of sexual battery, all violations of the Penal Code.

24 B. On June 18, 2013, Respondent pled nolo contendere to three counts of sexual battery
25 on an unconscious person under the guise of a professional purpose. As a result of his plea, he
26 now stands convicted of a sexual offense which requires him to register as a sex offender.

27 C. On July 31, 2013, Respondent was sentenced to one year in county jail, five years
28 probation, and was required to register as a sex offender pursuant to Penal Code section 290.

III

(Sexual Misconduct with Patients Yvonne P., Monica D., Lauren R., & Lynn K.)

11. Respondent is subject to disciplinary action under section 726 of the Code for committing acts of sexual abuse, misconduct, or relations with patients in that he performed inappropriate physical examinations of four female patients, apparently for his own sexual gratification. The circumstances are as follows:

A. **Patient Yvonne P.** On August 31, 2009, patient Yvonne P. went to the Pomona Valley Health Center Urgent Care Facility ("PVHC") because earlier that week she fell, landing on her right shoulder. She was put in an examination room and a short while later, Respondent came into to examine her. They were alone; no chaperone was present. Yvonne P. was told to take off her bra and underwear and to put on a gown. Respondent touched her back and shoulder and asked if she still had pain. She said yes. Then he touched her breasts by pressing on her right breast, and did not explain why he was doing this. Yvonne P. told him loudly that the pain was not there.

B. Prior to this encounter, Yvonne P. had received yearly breast exams by her gynecologist that were dissimilar to how Respondent touched her breasts. When Yvonne P. got home, she told her husband. Her husband confirmed that his wife was very upset when she got home and told him about how she had been treated.

C. **Patient Monica D.** On May 22, 2010, patient Monica D. went to PVHC for an employment physical. There was no chaperone present. The medical assistant told Monica D. to get in a gown, leaving on her bra and underwear. Once Respondent came into the exam room, while Monica D was lying on the exam table, he took one breast at a time and began pressing on them. He asked if she had tenderness and she said yes. Then Respondent asked if he could "check this out" so he grabbed her bra and raised it completely over both breasts. He pressed on her breasts, touched her back, asked her to breathe in, and then asked her to bend over and touch her toes. He started pressing on her stomach, and went to the top of her underwear. He asked if she had any pain in that area, but the patient said no since she was afraid he would ask to see her vagina. Respondent ended the exam by commenting on her piercing.

1 D. Patient Monica D. asked her co-workers if they had their breasts examined
2 during their employment physicals and they said no.

3 E. **Patient Lauren R.** On August 9, 2010, patient Lauren R. went to PVHC in
4 Claremont because she had a sore throat. This was her first and only visit to the center. When
5 she arrived there, the medical assistant told her to keep her clothing on. Respondent came into
6 the exam room and asked why she was there; no one else was in the room. Lauren R. told him
7 she had a sore throat and he told the patient she might have strep. He swabbed her throat, and
8 asked if she has been tested for breast cancer and if she examined her breasts. She said no to both
9 questions.

10 F. Lauren R. asked Respondent if he thought it was necessary to do a breast exam
11 for a sore throat and he said yes. He left the room and told her to undress from the waist up.
12 When he came back in, while sitting in a chair, Respondent used both hands and began squeezing
13 and gripping one breast and did the same to the other breast. He pinched and twisted her nipples
14 until it hurt. This was unlike any other breast exam Lauren R. had ever gotten from her
15 gynecologist.

16 G. When the patient left the clinic, she immediately called her best friend Emily
17 and related what had happened. The friend encouraged Lauren R. to report the incident to the
18 police, and she did.

19 H. **Patient Lynn K.** On March 15, 2011, Lynn K. went to PVHC to undergo a
20 physical exam as part of her pre-employment process. The medical assistant told her to leave on
21 her bra and underwear and put on a gown. During her visit, Respondent came into the exam
22 room and there was no chaperone present. Somehow they got on the topic of whether she had
23 pain in her breast and she said no. He then took both hands and began gripping and squeezing
24 one breast at a time. Then he asked her to take off her bra and gown so he could see how her
25 breasts hung. After that, the discussion centered on her breasts.

26 I. Respondent asked when she had her breast augmentation, told her she had nice
27 breasts and she would look good in a bikini. Respondent also commented on her playboy bunny
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1 tattoo. Respondent stood in front of the patient and told her to bend over and touch her toes while
2 she was not wearing a bra or gown.

3 J. Patient Lynn K. felt "violated" and that Respondent "took advantage" of her.
4 When Lynn K. got home, she told her boyfriend Fernando V. what happened. Mr. V. [REDACTED]
5 confirmed this.

6 IV

7 (Gross Negligence)

8 12. Respondent is subject to disciplinary action under section 2234, subdivision (b) in
9 that he was grossly negligent in performing inappropriate examinations on the four patients listed
10 in the Third Cause for Discipline. The circumstances are as follows:

11 A. The facts and allegations set forth in paragraph 11A-J above are incorporated
12 by reference as if fully set forth.

13 B. Respondent performed breast exams on all four patients when not medically
14 indicated.

15 C. Respondent did not seek or obtain prior consent to perform breast exams on any
16 of the four patients.

17 D. During employment examinations, Respondent performed 'breast exams' on
18 patients Monica D. and Lynn K., however, an employment examination does not include a breast
19 exam.

20 PRAYER

21 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Physician Assistant Board issue a decision:

23 1. Revoking or suspending Physician Assistant License Number PA 17695, issued to
24 Kevin Yim, PA-C;

25 2. Ordering him to pay the Physician Assistant Board the reasonable costs of the
26 investigation and enforcement of this case, pursuant to Business and Professions Code section
27 125.3; and,
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3. Taking such other and further action as deemed necessary and proper.

DATED: October 31, 2013



Glenn L. Mitchell, Jr.
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California

Complainant

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